

ENTERED

August 29, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JEWELL THOMAS,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. 2:22-CV-00288
	§	
ABEL JASSO, <i>et al.</i> ,	§	
	§	
Defendants.	§	

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

Plaintiff Jewell Thomas, appearing pro se and *in forma pauperis*, filed this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Court dismissed Thomas’s complaint for failure to state a claim and lack of subject matter jurisdiction, and issued a “strike” against Plaintiff. D.E. 14. The Court entered final judgment on June 9, 2023. D.E. 15. Forty-eight days later, the Clerk filed “Plaintiff’s Notice of Appeal; Plaintiff’s Motion for Extension of Time to File Notice of Appeal.” D.E. 16. This motion was placed in the mail on July 25, 2023—forty-six days after entry of final judgment. *Id.* United States Magistrate Judge Mitchel Neurock construed this motion as both a notice of appeal and a motion for an extension of time to file a notice of appeal. D.E. 19, p. 1.

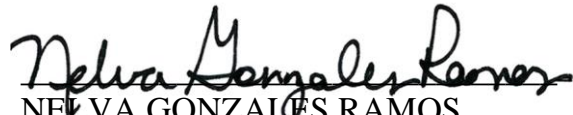
On July 31, 2023, the Magistrate Judge issued a Memorandum and Recommendation recommending that Thomas’s motion for an extension of time to file a notice of appeal be denied. *Id.* at p. 4. The parties were provided proper notice of, and

opportunity to object to, the Magistrate Judge's M&R. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. No objections have been timely filed.

When no timely objection to a magistrate judge's M&R is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge's M&R. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Servs. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact, conclusions of law, and recommendations set forth in the Magistrate Judge's Memorandum and Recommendation, and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Therefore, Plaintiff's motion for an extension of time to file his untimely notice of appeal is **DENIED**.

ORDERED on August 29, 2023.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE